

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON THE DATE INDICATED BELOW.

BY:

Victoria A Jones

Date:

2/28/02

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of : Group Art Unit 1653
Norman Orentreich, *et al.* :
Conf. No.: 7858 :
Appln. No.: 09/309,689 : Examiner: A. Mohamed
Filed: May 11, 1999 :
For: MATERIALS FOR SOFT TISSUE : Attorney Docket
AUGMENTATION AND METHODS : No. 4555-45US
OF MAKING AND USING SAME :

#14/ Reg for
refund
04-02-02

REFUND REQUEST PURSUANT TO 37 C.F.R. § 1.26
BECAUSE OF OVERPAYMENT BY MISTAKE

US PATENT & TRADEMARK
OFFICE
2002 MAR 15 PM 4:02
OFFICE OF THE
REFUND DIVISION

The applicants request a refund of \$350.00 for inadvertent overpayment of fees.

The above-identified patent application is assigned to a small business concern. See, Verified Statement (Declaration) Claiming Small Entity Status, executed May 5, 1999, and filed before the United States Patent and Trademark Office on May 11, 1999 (a copy is attached hereto). A Notice of Appeal and Petition for a two-month extension of time were filed in this application on August 27, 2001. The requisite fees accompanying the Notice and the Petition were mistakenly paid as large entity fees (\$390 + \$310, respectively), resulting in an overpayment of \$350.00.

Therefore, it is requested that a refund of **\$350.00** be applied to the account of Akin, Gump, Strauss, Hauer & Feld, L.L.P., Deposit Account No. 50-1017, as such funds were paid by mistake. One additional copy of this paper is being forwarded to the Refunds Department, Box 17.

Respectfully submitted,
NORMAN ORENTREICH *et al.*

28 February 2002
Date

By:

Kristyne A. Bullock
KRISTYNE A. BULLOCK

Registration No. 42,371
AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.
One Commerce Square
2005 Market Street - Suite 2200
Philadelphia, PA 19103-7086
Telephone: (215) 965-1200
Direct Dial: (215) 965-1348
Facsimile: (215) 965-1210
E-Mail: kbullock@akingump.com

KAB:vj
Enclosure

Applicant or Patentee: **Norman Orentreich and Rozlyn A. Krajcik**
Application or Patent No.: **Not yet assigned**
Filed or Issued: **Filed herewith**
For: **MATERIALS FOR SOFT TISSUE AUGMENTATION AND
METHODS OF MAKING AND USING SAME**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below.
☒ an official of the small business concern empowered to act on behalf of the
concern identified below.

NAME OF CONCERN **Orentreich Foundation for the Advancement of Science, Inc.**
ADDRESS OF CONCERN 910 Fifth Avenue
New York, New York 10021-4187

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that U.S. rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention of the above-identified patent or patent application.

If the rights held by the small business concern are not exclusive, each individual concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME _____

ADDRESS _____

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

FULL NAME _____

ADDRESS _____

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

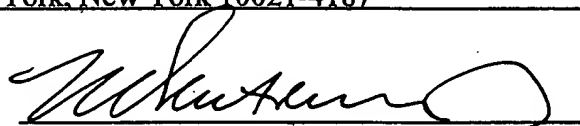
NAME OF PERSON SIGNING Norman Orentreich, MD, FACP

TITLE IN ORGANIZATION President

ADDRESS OF PERSON SIGNING 910 Fifth Avenue

New York, New York 10021-4187

5/5/99
(DATE)


(SIGNATURE)